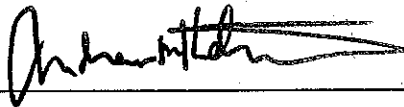


4/11/16

10:43 A.M.

Chapter No. 410
16/HR26/R731SG
CS 162

HOUSE BILL NO. 525

Originated in House  Clerk

HOUSE BILL NO. 525

AN ACT TO AMEND SECTION 63-15-69, MISSISSIPPI CODE OF 1972, TO REQUIRE A CERTIFICATE OF INSURANCE BE PROVIDED TO THE DEPARTMENT OF PUBLIC SAFETY TO REINSTATE A DRIVER'S LICENSE THAT HAS BEEN SUSPENDED UNDER THE IMPLIED CONSENT LAWS; TO AMEND SECTION 63-15-43, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIRED PROVISIONS OF A MOTOR VEHICLE LIABILITY POLICY; TO AMEND SECTION 63-15-45, MISSISSIPPI CODE OF 1972, TO REVISE NOTICE REQUIREMENTS WHEN A CERTIFIED POLICY IS AMENDED; TO AMEND SECTION 63-15-7, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DEPARTMENT OF PUBLIC SAFETY MAY NOT REQUIRE FEES FROM INSURANCE COMPANIES FOR THE ADMINISTRATION OF THE MISSISSIPPI MOTOR VEHICLE SAFETY-RESPONSIBILITY LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-15-69, Mississippi Code of 1972, is amended as follows:

63-15-69. (1) Where any person fails to report an accident as required in Section 63-15-9, in addition to any other penalties prescribed by law, the department shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has been filed and for such further period not to exceed thirty (30) days as the department may fix.

(2) Any person who gives information required in a report or otherwise as provided for in Section 63-15-9, knowing or having reason to believe that such information is false, or who shall forge, or without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, except where the statement may be made under oath, in which case the person making the false statement under oath shall, upon conviction, be subject to the penalties for perjury.

(3) Any person whose license or nonresident's operating privilege has been suspended or revoked under this chapter, and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not exceeding six (6) months, or both.

(4) Any person willfully failing to return his license as required in Section 63-15-67, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or both.

(5) Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both.

(6) In order for an individual who has received a license suspension under the State of Mississippi's Implied Consent Laws to be eligible for reinstatement, in addition to other requirements at law, he or she must provide to the Department of Public Safety, a certificate of insurance as a method of giving proof of financial responsibility as provided in Sections 63-15-37(1), 63-15-39 and 63-15-41, that shall be maintained for not less than a period of three (3) years after issuance in accordance with the requirements as set forth in Section 63-15-61.

SECTION 2. Section 63-15-43, Mississippi Code of 1972, is amended as follows:

63-15-43. (1) A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's * * * motor vehicle liability policy, that has been certified as provided in Section 63-15-39 or Section 63-15-41, as proof of financial responsibility, and issued, except as otherwise provided in Section 63-15-41, by an insurance company duly authorized to write motor vehicle liability insurance in this state, to or for the benefit of the person named therein as insured.

(2) Such owner's motor vehicle liability policy:

(a) * * * May be any motor vehicle liability policy form that has been filed with and approved by the Commissioner of Insurance and may contain exclusions and limitations on coverage as long as the exclusions and limitations language has been filed with and approved by the Commissioner of Insurance.

(b) Shall * * * have limits of liability no less than: Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident.

* * *

(* * *3) Every motor vehicle liability policy certified under the provisions of this chapter shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance company with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance company to make payment on account of such injury or damage;

(c) The insurance company shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) of subsection (2) of this section; or

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the chapter shall constitute the entire contract between the parties.

(* * *4) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(* * *5) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance company for any payment the insurance company would not have been obligated to

make under the terms of the policy except for the provisions of this chapter.

(* * *6) Any motor vehicle liability policy may provide for the prorating of the insurance there under with other valid and collectible insurance.

(* * *7) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance companies which policies together meet such requirements.

(* * *8) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

SECTION 3. Section 63-15-45, Mississippi Code of 1972, is amended as follows:

63-15-45. When an insurance company has certified a motor vehicle liability policy under Section 63-15-39 or Section 63-15-41, the insurance so certified shall not be cancelled or terminated until at least * * * ten (10) days after a notice of cancellation or termination of the insurance so certified shall be * * * placed in the mail, or transmitted by electronic means, to the department. However, such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

SECTION 4. Section 63-15-7, Mississippi Code of 1972, is amended as follows:

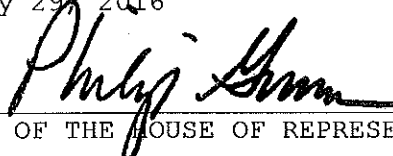
63-15-7. (1) The department shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration, but may not require fees from insurance companies, and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of this chapter.

(2) Any order or act of the department, under the provisions of this chapter, may be subject to review within ten days after notice thereof, by appeal to the county court at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no county court therein, then such jurisdiction shall be in the circuit court of said county, and such court is hereby vested with jurisdiction. The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the department. The court may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the department in whole or in part.

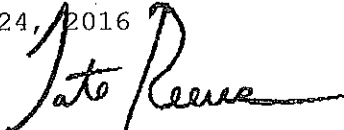
(3) Trial in the court shall be de novo, with the burden of proof upon the department. The same shall be tried without regard to any prior holding of fact or law by the department, and judgment entered only upon the evidence offered at the trial by the court. A trial by jury may be had under the rules of the court.

SECTION 5. This act shall take effect and be in force from
and after January 1, 2017.

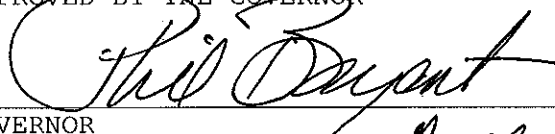
PASSED BY THE HOUSE OF REPRESENTATIVES
February 29, 2016


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 24, 2016


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

April 11, 2016

10:43 AM